

REMARKS

Applicant amends claims 8, 10, 16, 21-22, 28 and 30, and submits new claims 33-37 for consideration. Applicant submits that the amendments to claims 8, 10, 21-22, 28 and 30 are provided merely to correct for minor errors; those amendments do not alter the scope of claims 8, 10, 21-22, 28 and 30, and are unrelated to the Examiner's prior art rejections. Applicant respectfully requests examination and consideration of pending claims 1-37.

I. Rejection of Claims 1-4, 8-9, 16-21 and 23 Under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-4, 8-9, 16-21 and 23 under 35 U.S.C. § 102(b) as being anticipated by Linehan (U.S. 5,495,533). Applicant respectfully disagrees. Applicant submits that claims 1-4, 8-9, 16-21 and 23 are allowable over the cited reference for at least the following reasons: A) Linehan fails to anticipate or suggest the use of distinct encode and decode keys as claimed in independent claims 1, 16, 19 and 23; and B) Linehan fails to anticipate or suggest the generation of keys in the context of a secure save command requested by a user, as claimed in independent claim 23.

A. Linehan Fails to Anticipate Distinct Encode and Decode Keys

Linehan is directed to a system in which a single key is created for the purpose of both encoding and decoding a document (e.g., see col. 7, lines 62-64). This single key is

created at the time the file is created (e.g., col. 7, lines 30-34), and the same key is used throughout the life of the file for encryption and decryption.

In contrast, independent claims 1, 19 and 23 of the present application refer to generating an encode key for encoding the file and a decode key for decoding the file. Claims 1 and 23 refer specifically to a *key pair*. Independent claim 16, as amended, recites “said decode key differing from an encode key used to generate said encoded data”. Because Linehan fails to anticipate, teach or suggest the generation and/or use of distinct encode and decode keys, Applicant submits that independent claims 1, 16, 19 and 23 are allowable over the cited art.

B. Linehan Fails to Anticipate Key Generation in the Context of a Secure Save Command Requested by a User

As described above, Linehan is directed to a system in which an encryption key is generated at the time a file is created (see col. 7, lines 30-34). In addition, the same key is obtained from the key server every time the file data is accessed (col. 7, lines 54-64).

In contrast, independent claim 23 of the present application recites executing a secure save command that comprises generating an encode key. Applicant submits that this aspect of claim 23 is at odds with the teachings of Linehan. Assuming that a user has already accessed a data file in order to initiate a save operation, then, according to Linehan’s teachings, the client already has the encryption key on hand. There is therefore no anticipation and, in fact, no motivation in Linehan for generating a new encryption key (let alone an encoding key and a decoding key) in connection with a save command, as such key generation would be redundant under Linehan. In light of the conflict

between the teachings of Linehan and the claimed invention, Applicant submits that Linehan teaches away from the invention as recited in independent claim 23. Claim 23 is therefore allowable over the cited art.

For at least the foregoing reasons, Applicant submits that independent claims 1, 16, 19 and 23 are allowable. Further, claims 2-4, 8-9, 17-18 and 20-21, being dependent upon allowable base claims, are also allowable for the foregoing reasons given with respect to claims 1, 16 and 19.

II. Rejection of Claim 24 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Linehan (5,495,533)

The Examiner has rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Linehan (5,495,533), given the Official Notice that saving a file via a graphical user interface is old and well known in the art. Applicant respectfully disagrees, and requests that the Examiner provide a reference that discloses a graphical interface with command buttons that execute a *secure* save command, particularly where that command comprises generating a key pair.

Applicant further submits that claim 24, being dependent upon an allowable base claim, is also allowable for at least the foregoing reasons provided with respect to independent claim 23.

III. Rejection of Claims 5-7, 10-15 and 25-32 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Linehan (5,495,533) in View of Yatsukawa (6,148,404)

The Examiner has rejected claims 5-7, 10-15 and 25-32 under 35 U.S.C. § 103(a) as being unpatentable over Linehan (5,495,533) in view of Yatsukawa (U.S. 6,148,404). Applicant respectfully disagrees.

A. Claim 28: Prior Art Does Not Teach Two Keys or Secure Save Command

With respect to independent claim 28, Applicant submits that, as discussed above in section (I)(A), Linehan does not teach or suggest generating an encode key and a decode key, as the Examiner asserts. Column 7, lines 46-64 of Linehan do not refer to generating distinct encode and decode keys, but rather refer to generating a single key used for encoding and decoding.

Further, as discussed in section (I)(B) above, Linehan does not teach or suggest obtaining a secure save request from a user. Rather, Linehan discusses communication between a key client and a key server only at creation of a file and access of a file. No communication occurs between the key client and key server in Linehan in connection with a save command (Applicant submits that the key is already with the client).

As to the Examiner's Official Notice with respect to the graphic user interface, Applicant refers to section (II) above.

For at least the foregoing reasons, Applicant submits that independent claim 28 is allowable over the cited references. Further, claims 29-32, being dependent upon an allowable base claim, are themselves allowable for at least the foregoing reasons provided above with respect to claim 28. Further, claims 5-7, 10-15 and 25-27, being

dependent upon allowable base claims, are also allowable for the reasons provided above with respect to independent claims 1 and 23.

B. Claim 29: Linehan and Yatsukawa Cannot Be Combined to Teach the Claimed Use of a Hash Function

With respect to claim 29, the Examiner confirms that Linehan does not disclose the use of a hash function. However the Examiner suggests that it would be obvious to generate a hash function of file data based upon Yatsukawa's teaching the use of a hash function in an authentication process. Applicant respectfully disagrees. Generation of the hash function in claim 29 occurs in connection with the generation of a first message, the receipt of which is associated with the generation of encode and decode keys. In Linehan, the generation of an encryption key occurs at the creation of a file (i.e., before any data exists for the file. Despite any teachings of Yatsukawa, Linehan is incapable of generating a hash function as claimed because, prior to the generation of a key in Linehan, there is no file data with which to generate a hash function. Therefore, Linehan and Yatsukawa, either alone or in combination, fail to teach or suggest claim 29.

C. Claims 14-15: Prior Art Does Not Teach Generating a Timestamp After Verification Attempt

With respect to claims 14 and 15, the Examiner states that Yatsukawa teaches generating and storing a timestamp upon successful/unsuccessful verification. Applicant respectfully disagrees. Yatsukawa teaches generation of a timestamp for transmission and comparison as part of a verification process. Yatsukawa does not teach the

generation of a timestamp based on the result of a verification (i.e., as a post-verification act), nor does Yatsukawa teach storing such a timestamp. Therefore, Applicant submits that the prior art fails to teach or suggest claims 14 and 15.

IV. New Claims 33-37

Applicant submits new claims 33-37 for consideration and examination.


Applicant respectfully submits that claims 33-37 are supported by the originally filed specification and figures. Applicant contends that claims 33-37 are allowable over the cited art for at least the reasons provided in sections (I) and (III) above.

In light of the foregoing arguments, Applicant submits that pending claims 1-37 are in condition for allowance.

Very truly yours,

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